

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA)	
)	CR. NO. 04-10248-RCL
v.)	CR. NO. 04-1814-CBS
)	
RICHARD W. GOULD)	
)	

**DEFENDANT RICHARD W. GOULD'S
MOTION TO MODIFY CONDITIONS OF RELEASE**

Defendant Richard W. Gould, by and through undersigned counsel, respectfully moves to modify his conditions of release. Specifically, Mr. Gould requests that the curfew condition imposed by this Court on July 16, 2004 be eliminated so he can take college-level courses in the evening as he pursues an Associates Degree in Computer Applications at North Shore Community College.

FACTUAL AND PROCEDURAL BACKGROUND

Mr. Gould was arrested on June 30, 2004 on the charge of knowingly and intentionally possessing with the intent to distribute oxycodone in violation of 21 U.S.C. § 841(a)(1). Mr. Gould's arrest arose out of sting operation orchestrated by the Drug Enforcement Administration, the U.S. Food and Drug Administration, the Peabody Police Department and a cooperating "witness" named Christopher Alviti. As the Court may recall, Mr. Gould was arrested as he was allegedly delivering 500 Oxycontin pills to Mr. Alviti on the morning of June 30, 2004.

Subsequently, on August 18, 2004, an Indictment was filed against Mr. Gould and Mr. Alviti charging Mr. Gould with conspiracy to possess with intent to distribute, and to distribute oxycodone (Count I) and possession with intent to distribute oxycodone (Count

VII). The Indictment also seeks a criminal forfeiture. Mr. Alviti (the government's cooperating witness) is also charged with one count of conspiracy to possess with intent to distribute, and to distribute oxycodone (Count I), and five (5) separate counts of distribution of oxycodone (Counts II-V). The Indictment against Mr. Alviti also seeks a criminal forfeiture.

Mr. Gould has never been convicted of any crime, and has no history of any physical or mental condition of any consequence. In addition, at the time of his arrest in this case, he was not on probation, parole or other release pending trial, sentencing, appeal or completion of a sentence for any offense under Federal, State or local law.

According to the information provided by Pre-trial Services at his detention hearing, Mr. Gould's only legal misstep consisted of a minor incident approximately eight (8) years ago when Mr. Gould was 17 years old, wherein he was involved in an altercation that resulted in charges that were ultimately continued without a finding and dismissed. More importantly, throughout the course of Mr. Gould's entire adult life, he has not been charged or arrested with any offense other than the current offense.

On July 16, 2004, Mr. Gould appeared before the Court for a detention hearing. At that time, the Court released Mr. Gould subject to, *inter alia*, the following conditions:

- (1) That Mr. Gould be placed in the custody of his father, Richard E. Gould;
- (2) That he report to Pretrial Services as directed;
- (3) That his parents, Richard and Eleanor Gould, execute an agreement to forfeit property in the amount \$150,000 secured by the marital residence located at 10 Druid Avenue, Peabody, Massachusetts, in the event Mr. Gould failed to appear as required;

- (4) That Mr. Gould provide the appropriate documentation to the Court to secure the property posted to ensure Mr. Gould's appearance;
- (5) That Mr. Gould actively seek employment;
- (6) That he abide by travel restrictions;
- (7) That Mr. Gould avoid contact with the Christopher Alviti and any other witnesses named in the Complaint;
- (8) That Mr. Gould refrain from possessing a firearm, destructive device or other dangerous weapons;
- (9) That he refrain from excessive use of alcohol;
- (10) That he refrain from use or unlawful possession of a narcotic drug or other controlled substances, unless prescribed by a licensed medical practitioner;
- (11) That Mr. Gould submit to any method of testing required by the Pretrial Services Officer for determining whether Mr. Gould is using a prohibited substance;
- (12) That he participate in a program of inpatient or outpatient substance abuse therapy and counseling if deemed advisable by the Pretrial Services Officer; and
- (13) That he comply with a curfew restricting him to his residence at 10 Druid Avenue, Peabody, Massachusetts between the hours of 9:00 P.M. and 6:00 A.M.

Upon information and belief, since July 16, 2004, Mr. Gould has complied with each and every condition of release to the complete satisfaction of his former and current Pretrial Services Officer.

REQUEST TO ELIMINATE CURFEW

Mr. Gould is requesting only that the curfew condition be eliminated from his conditions of release so he can continue his rehabilitation efforts by taking college-level courses in the evening, after work, commencing Monday, November 15, 2004. Moreover, Mr. Gould has submitted an application for admission/matriculation at the North Shore Community College for the second semester, which begins in January 2005, to take courses toward a two-year Associates Degree in Computer Applications.

Specifically, with the Court's permission, Mr. Gould is prepared to begin a course on Keyboarding and Speed Development for Computer Users at Salem State College which begins on November 15, 2004. This course will provide Mr. Gould with proper keyboarding skills to pursue an Associates Degree at North Shore Community College.

See Keyboarding Course Details attached hereto as Exhibit "A". By taking this keyboarding course now, Mr. Gould will learn the keyboarding skills he will need to succeed in the computer courses necessary for an Associates Degree in Computer Applications at North Shore Community College. *See* Computer Applications Degree Program details attached hereto as Exhibit "B".

The Keyboarding Course is scheduled for Monday and Wednesday evenings from 6:30 P.M. to 9:30 P.M. *See* Exhibit "A". At this time, it is not known which evenings the specific courses Mr. Gould will take in computer applications will be offered in January because, according to the website for North Shore Community College,

www.northshore.edu, the schedule for the Spring Semester will not be published until November 15, 2004. However, upon information and belief, Mr. Gould is meeting with a guidance counselor this week to discuss the courses available and it is his intention to take at least one and possibly two courses in the evening during the Spring Semester. Moreover, the courses in which Mr. Gould enrolls can be monitored by Mr. O'Brien, his Pretrial Services Officer.

In support of this Motion for Modification, Mr. Gould submits, by and through undersigned counsel, the following:

1. Since July 16, 2004, Mr. Gould has demonstrated to Pretrial Services and this Court that he is willing and able to comply with his conditions of release;

2. Allowing Mr. Gould to attend these college-level courses will continue his rehabilitation efforts and prepare him for his life after this case is resolved;

3. The other conditions of release are sufficient to assure Mr. Gould's appearance and the safety of other persons and the community;

4. Upon information and belief, Mr. Gould's former Pretrial Services Officer, Joshua M. Ulrich, and his current Pretrial Services Officer, Thomas M. O'Brien, support Mr. Gould's decision to attend college courses in the evening; and

5. Assistant United States Attorney, David G. Tobin, does not oppose this modification request to the extent that it is fashioned to accommodate Mr. Gould's class schedule only.

WHEREFORE, defendant Richard W. Gould respectfully requests that the curfew condition imposed by this Court on July 16, 2004 be eliminated so he can attend college-level courses in computer programming in the evening.

Respectfully submitted
By Defendant,
RICHARD W. GOULD
By his attorneys,

/S/
Scott P. Lopez (BBO# 549556)
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LOCAL RULE 7.1 CERTIFICATION

I hereby certify that I have conferred with counsel for the government, Assistant U.S. Attorney David G. Tobin by telephone today, November 9, 2004, in a good faith attempt to resolve or narrow this issue in this motion.

/S/
Scott P. Lopez

EXHIBIT “A”

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Continuing Education

Course Details

9CS192 KEYBOARDING & SPEED DEVELOPMENT FOR COMPUTER USERS

Are your limited typing skills slowing you down? This course is for those who are beginner typists or for people with limited experience working at a keyboard. Whether you run a small business, chat on the Internet, or want your projects to look more professional, this course will help you develop proper keyboarding skills and increase your current typing speed and accuracy.

Ref #	Sec	Days	Dates	Times	Instructor	Location	Fee
3019	S1	MW	11/15 - 12/06	6:30- 9:30	Iarrobino,Marilyn	SSCOL	\$250.00

[Download the registration form! \[.pdf file\]](#)[View the Non-Credit Catalog](#)

Resources

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EXHIBIT “B”


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Computer Applications (CO)

**Career, Degree (AS)
AN OPTION OF COMPUTER PROGRAMMING**

The Computer Applications Degree Program prepares students for careers in business applications using a microcomputer.

Students learn many aspects of microcomputer technology including computer programming languages, application software, microcomputer operations, and the computer tools used on the World Wide Web. A business framework is provided by courses in accounting, introduction to business, and technical writing. Work experience is provided through an internship.

This program provides preparation for careers in microcomputer operations, computer management, and technical support.

Resources

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Course	See Note	Course Title	Credits
SPE102		Speech	
or SPE104		Speech Dynamics	3
BUS100		Introduction to Business	3
CMP101		Composition 1	3
CPS100	1	Fundamentals of Computer Concepts	3
MAT151		Precalculus 1	3
OFT120		Basic Keyboarding or Challenge Exam	1
ACC101		Basic Accounting 1	4
CMP104-146		Composition 2 Elective	3
CPS103		Programming in Structured BASIC	4
CPS114		Microcomputer Applications	4
CLNG-ELECTIVE	2	Computer Language Elective	
or SFTW-ELECTIVE	3	Software Elective(s)	4
CMP150		Technical Writing	3
CPS222		Programming in Visual Basic 1 (VB.NET 1)	4
SS-ELECTIVE		Social Science Elective(s)	3
BUS229/202	4	Business Cooperative Education or Internship	3
CPS122		Microcomputer Operations	4
CPS168	5	Introduction to Access	2

CPS210		Computer Systems Development	4
SFTW-ELECTIVE	3	Software Elective(s)	2

Notes

- 1 May be fulfilled by challenge exam and 3 liberal arts credits.
- 2 Computer Language Electives include: CPS101, CPS102, CPS103, CPS105, CPS215, CPS222, CPS223, and CPS224.
- 3 Software Electives include: CPS114, CPS124, CPS126, CPS140, CPS142, CPS146, CPS148, CPS150, CPS152, CPS158, CPS162, CPS168, CPS170, CPS174, CPS176, CPS178, and CPS180. ACC106 and CPS130 may also be used to fulfill this requirement.
- 4 Students taking predominantly evening/weekend courses may take BUS202 or BUS229 or a Business Elective.
- 5 CPS170 - Database Theory and Applications may be substituted for CPS168.

Admissions Information

- Contact Student Support Center for information on State College and University Joint Admissions.

North Shore Community College reserves the right to make changes in courses, program requirements, policies, and regulations as circumstances dictate. There is no guarantee that any listed course will be offered in any given semester.

For more information, contact us at (978) 762-4000 or bmaccaro@northshore.edu.

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